

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

2005 AUG 19 PM 4:01

FITEC INTERNATIONAL, INC.,
A TENNESSEE CORPORATION,

Plaintiff,

vs.

PAUL C. ARDERN, AN INDIVIDUAL
STATE OF FLORIDA,

Defendant, Counter-Plaintiff,

vs.

FITEC INTERNATIONAL, INC.,
A TENNESSEE CORPORATION,

Counter-Defendant.

Civil Action No. 2:04CV2326

JURY DEMANDED

THOMAS M. GOLD
CLERK, U.S. DIST. COURT
WD OF TN, MEMPHIS

FILED BY
05 AUG 24 PM 4:43
D.C.

MOTION GRANTED

DATE: 8/24/2005

BERNICE BOUIE DONALD
U.S. DISTRICT JUDGE

JOINT MOTION FOR CONTINUANCE AND MODIFICATION OF SCHEDULING
ORDER

COME NOW the parties, by and through counsel, and respectfully move this Honorable Court for a continuance of the trial date in this matter and for an Amended Scheduling Order, and in support thereof, state as follows:

1. Notwithstanding good faith efforts to conclude discovery, the parties have experienced significant delay in the discovery process as a result of their attempts to secure and produce documents and information via electronic means. In addition, Plaintiff has located a computer which is believed to have contained pertinent information which has been deleted. Plaintiff has tried to reconstruct the data, but so far has been unsuccessful and likely will have to call in a consultant to do so.

2. In the interest of judicial economy and efficiency and in an effort to maintain costs to the public at a minimum, these parties believe that it would be in the best interest of all

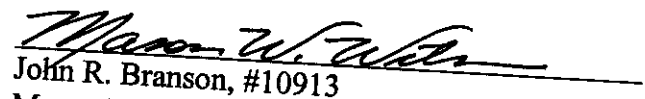
This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 8/24/05

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parties in this litigation to continue the trial and to amend the Scheduling Order so as to allow both parties an opportunity for full and complete discovery.

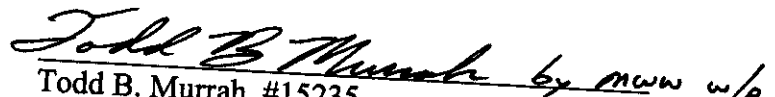
WHEREFORE, PREMISES CONSIDERED, the parties respectfully request jointly that this Court continue the trial date and amend the Scheduling Order so as to allow the parties the opportunity for full and complete discovery and, further, these parties request jointly such other relief as may be proper under the circumstances. The parties respectfully submit herewith the Joint Memorandum, Certificate of Consultation and a proposed Third Amended Joint Scheduling Order.

Respectfully submitted, this the 19 day of August, 2005.



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Notice of Distribution

This notice confirms a copy of the document docketed as number 37 in case 2:04-CV-02326 was distributed by fax, mail, or direct printing on August 26, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT